

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BHUPINDER KAUR KHARANA,

Petitioner,

v.

MICHAEL CHERTOFF, et al.,

Respondents.

NO. C07-4754 TEH

ORDER DENYING ORAL  
REQUEST FOR TEMPORARY  
RESTRAINING ORDER AND  
ORDER SETTING BRIEFING  
SCHEDULE

On Friday, September 14, 2007, Petitioner Bhupinder Kaur Kharana filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. At the time of filing, Petitioner's counsel orally requested an immediate hearing from the Court, which this Court construed as a request for a temporary restraining order.

However, nothing in the petition or supporting documents submitted by Petitioner's counsel requested any sort of temporary restraining order. Petitioner did not, for example, include a motion for a temporary restraining order, a memorandum of points and authorities in support of such a motion, or a proposed temporary restraining order. *See* Civ. L.R. 65-1(a) (listing documentation required for motions for a temporary restraining order). In addition, the petition states that Petitioner "is currently on a flight to India," and the timeliness of Petitioner's request is therefore in doubt. Pet. ¶ 1.<sup>1</sup>

Accordingly, with good cause appearing, IT IS HEREBY ORDERED that:

1. Petitioner's oral request for a temporary restraining order is DENIED.
2. Petitioner's counsel shall inform Respondents' counsel, the United States Attorney for the Northern District of California, by **September 19, 2007**, whether Petitioner intends to

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<sup>1</sup>This paragraph of the petition, and several others, refers to Petitioner as a male. However, it appears from the detailed allegations in the petition that Petitioner is a female. Pet. at ¶¶ 5-7.


1 pursue habeas corpus relief notwithstanding Petitioner's apparent deportation. If Petitioner  
2 does not, then Petitioner's counsel shall immediately file a notice dismissing the petition.

3 3. If Petitioner does intend to pursue her petition, then on or before **Monday,**  
4 **October 22, 2007,** Respondents shall file and serve an answer showing cause why this Court  
5 should not issue a writ of habeas corpus. In addition, Respondents shall file with their  
6 answer a copy of all portions of the administrative record that have been transcribed  
7 previously and that are relevant to a determination of the issues presented by the petition.

8 4. If Petitioner wishes to respond to the answer, she shall do so by filing a traverse  
9 with the Court and serving it upon Respondents on or before **Monday, November 19, 2007.**

10  
11 **IT IS SO ORDERED.**

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13 Dated: 09/17/07

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT